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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Appellee,

v.

JOHN GERINGER,

Defendant/Appellant.

USDC Case No. 12 Cr. 888 EJD

USCA Case No. 15-10353

MEMORANDUM IN FURTHER SUPPORT OF
RENEWED MOTION FOR RELEASE FROM
CUSTODY

Before the Honorable Edward J. Davila
United States District Judge

John Geringer respectfully submits this memorandum to apprise the Court that on Friday, December 16, 2016, the deadline to petition the Ninth Circuit for rehearing expired, and the United States did not file a petition. *See United States v. Geringer*, USCA No. 15-10353. So too, the government filed no opposition to Mr. Geringer's renewed motion for release from custody (ECF No. 244) within the time prescribed by Criminal Local Rule 47-2(d), *i.e.*, by Wednesday, December 14, 2016. On the record in this case, Mr. Geringer contends there is no proper legal or factual basis to deny him bail pending sentencing—nor has the government identified one—and he therefore respectfully asks the Court to grant his renewed motion for release from custody at this time.

Respectfully submitted,

DATED: December 19, 2016

LAW OFFICE OF JAY A. NELSON

/s/ *Jay A. Nelson*
JAY A. NELSON
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Attorney for Defendant/Appellant
JOHN GERINGER

PROOF OF SERVICE

I, Jay A. Nelson, certify that on December 19, 2016, I served all parties in this matter by filing the foregoing pleading electronically, as set forth by Local Rule 5-1.

Dated: December 19, 2016

/s/ *Jay A. Nelson*
JAY A. NELSON